

# ESSB 5288

## *Changes to Supervision of Offenders*

### Background

During the 2009 Regular Session, Engrossed Substitute Senate Bill 5288 (ESSB 5288) entitled, "Supervision of Offenders", was passed by the Senate and House of Representatives and signed into law by Governor Christine Gregoire on May 6, 2009. The effective date of this legislation was July 26, 2009.

ESSB 5288 has two major components:

- The first component focuses community supervision resources on higher risk offenders by redefining who the Department will supervise.
- The second component reduces the length of supervision for certain offenders who served time in prison prior to their community supervision.

Both components of the law affected current and future caseloads. ESSB 5288 required the Department of Corrections to complete a case review of all offenders on community supervision as of July 26, 2009. Of those offenders whose supervision ended, most were closed as a result of the first component of ESSB 5288. Some offenders, who were reviewed and found not eligible for closure under the criteria outlined in the first component, were subsequently closed as a result of the second part of the law due to a reduction in the length of supervision.

### A retrospective look

Department of Corrections implemented the law on July 26, 2009. This document examines those offenders whose community supervision was closed as a result of ESSB 5288 during the implementation period between July 26, 2009 and October 31, 2009. This time span represents the vast majority of closures under ESSB 5288 since the law went into effect. During this period, 14, 547 offenders' community supervision ended as a result of ESSB 5288.



### Governing Laws

[Engrossed Substitute Senate Bill 5288 \(ESSB 5288\) entitled, "Supervision of Offenders"](#)

[Substitute Senate Bill 6162 \(SSB 6162\) entitled, "Community Custody – Serious Violent Offenses"](#)

### For more information

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## By the numbers...

During the implementation period between July 26, 2009 and October 31, 2009, there were 14,547 offenders whose community supervision ended as a result of ESSB 5288. Of those,

- 9,815 offenders were serving community supervision for a felony offense (based on their most serious crime)
- 4,732 offenders were serving community supervision for a misdemeanor offense

The top five counties where the closures occurred represent nearly 70% of all closures. They were: King (38%), Pierce (14%), Clark (6%), Spokane (6%), and Snohomish (5%).

Proportionately, King County's percent of closures was higher than their population. This was due to the high number of closures for offenders who required less supervision as a result of their minimal risk to public safety and their ability to handle basic everyday life.

Otherwise, the percent breakdown by county represents the population and the number of offenders on supervision.

***Three years after ESSB 5288 was implemented, 1,485 of the 14,547 offenders (10.2%) have reoffended and returned back to DOC jurisdiction since their closure.***

### Additional Facts

Offense categories for the 14,547 offenders whose supervision was closed due to ESSB 5288 (based on their most serious crime):

▪ Misdemeanors .....	4,574
▪ Drug .....	4,092
▪ Assault .....	3,067
▪ Property .....	1,332
▪ Robbery .....	860
▪ Sex Crimes .....	236
▪ Manslaughter .....	198
▪ Miscellaneous offenses .....	182
▪ Murder .....	6

Their length of time on supervision<sup>1</sup> prior to closure varied among this cohort.

▪ 6 months or less .....	3,517
▪ 1 year .....	4,460
▪ 2 years .....	2,169
▪ 3 years .....	977
▪ 4 years .....	539
▪ 5 or more years .....	2,885

<sup>1</sup> Length of time on supervision is defined as the period between the supervision start date and closure date; including tolling.

## Where are these offenders today?

This document marks three years since the implementation of ESSB 5288. As of October 2012, 1,485 offenders (10.2%) reoffended and returned to DOC jurisdiction since their closure.

- 936 offenders returned to prison for a new conviction
- 549 offenders returned to community supervision

The re-offense rate for this population was an additional 2.6 percent compared to last year's rate (3.4 percent reoffended in the first year, 4.2 percent reoffended in the second year; and 2.6 percent reoffended in the third year for a total of 10.2 percent). In comparison, this state's historic three-year recidivism rate for low and moderate risk offenders has been between 21 and 22 percent.

Based on this, offenders whose supervision ended due to ESSB 5288 are re-offending at a much lower rate than our state's recidivism rates for comparable offenders. This outcome may be a result of the type of offender who was eligible for closure. ESSB 5288 focused the state's community supervision resources on higher risk offenders and changed supervision requirements for offenders with a lower risk to reoffend.

Although this outcome is encouraging, three years may not be sufficient time to accurately report recidivism due to the length of time it takes to process cases through the criminal justice system. A more definitive study of recidivism will be addressed in a future work.